

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

MATTHEW DELNICK,

Defendant.

MOTION/ORDER TO DISMISS

No. 05-CR-454 GLS

Hon. Gary L. Sharpe
U.S. District Judge

Comes now the United States of America, by and through Glenn T. Suddaby, United States Attorney for the Northern District of New York, Paul D. Silver, Assistant United States Attorney, of counsel, and respectfully moves this Court pursuant to Fed. R. Crim. P. 48(a) for leave to dismiss Indictment 05-CR-454, filed on September 30, 2005, and in support of this motion avers as follows:

Following the filing of Indictment 05-CR-454 as set forth above, the parties have agreed to the entry of a plea of guilty to Information 06-CR-79, pending before the Honorable Thomas J. McAvoy, in satisfaction of the charges contained within that Information and the charges contained within Indictment 05-CR-454. On March 15, 2006, defendant entered a plea of guilty to the charge contained within Information 06-CR-79.


WHEREFORE, the United States Attorney moves the Court for an Order for Dismissal of Indictment 05-CR-454 without prejudice.

Dated: March 27, 2006

Respectfully submitted,

GLENN T. SUDDABY
UNITED STATES ATTORNEY

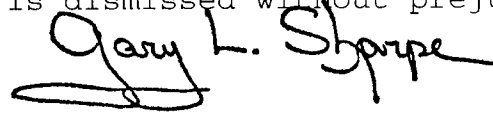
BY:


Paul D. Silver
Assistant U.S. Attorney
Bar Roll No. 102610

* * *

Leave of Court is granted for the filing of the foregoing dismissal
and it is therefore

ORDERED, that Indictment 05-CR-454 is dismissed without prejudice.

A handwritten signature in black ink, reading "Gary L. Sharpe". The signature is written in a cursive style with a large, looped initial "G".

Dated: 3/29, 2006
Albany, New York

GARY L. SHARPE
UNITED STATES DISTRICT JUDGE